

REFERENCE TITLE: state hospital; capacity

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1195

Introduced by
Senator Allen

AN ACT

AMENDING SECTION 36-206, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3994, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2002, CHAPTER 161, SECTION 3; REPEALING SECTION 13-4512, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 252, SECTION 3; REPEALING LAWS 1999, CHAPTER 255, SECTION 9, AS AMENDED BY LAWS 2001, CHAPTER 244, SECTION 6, LAWS 2002, CHAPTER 161, SECTION 11, LAWS 2004, CHAPTER 26, SECTION 3 AND LAWS 2005, CHAPTER 252, SECTION 4; REPEALING LAWS 2001, CHAPTER 244, SECTION 8, AS AMENDED BY LAWS 2002, CHAPTER 161, SECTION 14 AND LAWS 2004, CHAPTER 26, SECTION 5; REPEALING LAWS 2002, CHAPTER 161, SECTION 9, AS AMENDED BY LAWS 2004, CHAPTER 26, SECTION 1; REPEALING LAWS 2002, CHAPTER 161, SECTION 12, AS AMENDED BY LAWS 2004, CHAPTER 26, SECTION 4; AMENDING LAWS 1999, CHAPTER 255, SECTION 8, AS AMENDED BY LAWS 2001, CHAPTER 244, SECTION 5, LAWS 2002, CHAPTER 161, SECTION 10 AND LAWS 2004, CHAPTER 26, SECTION 2; RELATING TO THE ARIZONA STATE HOSPITAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-206, Arizona Revised Statutes, is amended to
3 read:

4 36-206. Duties of superintendent; deputy director; clinical
5 assessment

6 A. The deputy director has charge of the state hospital and the
7 superintendent shall supervise and direct its activities, subject to the
8 provisions of law and approval of the deputy director. The superintendent is
9 directly responsible to the deputy director for carrying out the purposes for
10 which the hospital is maintained. Subject to the approval of the deputy
11 director, the superintendent may deputize any qualified officer of the state
12 hospital to do or perform any act the superintendent is empowered to do or
13 charged with the responsibility of doing by law.

14 B. The deputy director in December each year shall estimate the
15 probable daily per capita cost of treatment and maintenance of each category
16 of patients for the next ensuing year as determined in accordance with
17 standard accounting practices. A statement of the estimate shall be provided
18 to the director in January of the following year.

19 C. The superintendent, on request, shall provide to the deputy
20 director a clinical assessment of the state hospital's programs.

21 D. On or before August 1 of each year, the deputy director shall
22 establish maximum funded capacity and a percentage allocation formula for
23 forensic and civil bed capacity at the Arizona state hospital based on census
24 data collected pursuant to sections 13-3994, 13-4512, 36-202.01 and
25 36-503.03. WHEN ESTABLISHING THIS FORMULA, THE DEPUTY DIRECTOR SHALL SOLICIT
26 AND CONSIDER THE RECOMMENDATIONS OF REPRESENTATIVES OF THE COUNTY BOARD OF
27 SUPERVISORS AND THE SUPERIOR COURT. The deputy director shall notify the
28 governor, the president of the senate, the speaker of the house of
29 representatives and the chairman of each county board of supervisors of the
30 funded capacity and allocation formula for the current fiscal year. THIRTY
31 DAYS BEFORE THE NOTIFICATION OF THE FORENSIC AND CIVIL BED FUNDED CAPACITY
32 FORMULA, THE DEPUTY DIRECTOR SHALL PROVIDE THIS INFORMATION TO THE
33 REPRESENTATIVES OF THE COUNTY BOARD OF SUPERVISORS AND THE SUPERIOR COURT FOR
34 COMMENT. THE DEPUTY DIRECTOR SHALL INCLUDE THESE COMMENTS WHEN ISSUING THE
35 FORMULA.

36 Sec. 2. Repeal

37 The following are repealed:

38 1. Section 13-3994, Arizona Revised Statutes, as added by Laws 2002,
39 chapter 161, section 3.

40 2. Section 13-4512, Arizona Revised Statutes, as amended by Laws 2005,
41 chapter 252, section 3.

42 3. Laws 1999, chapter 255, section 9, as amended by Laws 2001, chapter
43 244, section 6, Laws 2002, chapter 161, section 11, Laws 2004, chapter 26,
44 section 3 and Laws 2005, chapter 252, section 4.

1 4. Laws 2001, chapter 244, section 8, as amended by Laws 2002, chapter
2 161, section 14 and Laws 2004, chapter 26, section 5.

3 5. Laws 2002, chapter 161, section 9, as amended by Laws 2004, chapter
4 26, section 1.

5 6. Laws 2002, chapter 161, section 12, as amended by Laws 2004,
6 chapter 26, section 4.

7 Sec. 3. Laws 1999, chapter 255, section 8, as amended by Laws 2001,
8 chapter 244, section 5, Laws 2002, chapter 161, section 10 and Laws 2004,
9 chapter 26, section 2, is amended to read:

10 Sec. 8. Delayed repeal

11 A. ~~Section 36-202.01, Arizona Revised Statutes, is repealed from and~~
12 ~~after June 30, 2006.~~

13 B. Section 7 of this act, relating to the restoration to competency
14 program study, is repealed from and after December 31, 2000.

15 Sec. 4. Conditional retroactivity

16 If the emergency clause of this act is not enacted, this act applies
17 retroactively to from and after June 30, 2006.

18 Sec. 5. Emergency

19 This act is an emergency measure that is necessary to preserve the
20 public peace, health or safety and is operative immediately as provided by
21 law.